Office Supreme Court U.S.
FILED
FEB 18 1901
JAMES H. McKENNEY,
Clerk.

No. 463. 183.

Motion to advance.

# Supreme Court of the United States.

October Term, 1900.

Filed Feb. 18, 1901.

No. 463.

---

FLORIDA CENTRAL & PENINSULAR RAILROAD COMPANY, PLAINTIFF IN ERROR,

*vs.*

WILLIAM H. REYNOLDS, AS COMPTROLLER OF THE STATE OF FLORIDA, AND JOHN A. PEARCE, AS SHERIFF OF LEON COUNTY OF SAID STATE, DEFENDANTS IN ERROR.

---

## Motion to Advance Case for a Hearing.

---

W. B. LAMAR,

ATTORNEY-GENERAL FOR THE STATE OF FLORIDA,
COUNSEL FOR DEFENDANTS IN ERROR.

THE H. & W. B. DREW COMPANY JACKSONVILLE FLA. 81675

# Supreme Court of the United States.

## October Term, 1900.

**No. 463.**

FLORIDA CENTRAL & PENINSULAR RAILROAD COMPANY, PLAINTIFF IN ERROR,

*vs.*

WILLIAM H. REYNOLDS, AS COMPTROLLER OF THE STATE OF FLORIDA, AND JOHN A. PEARCE, AS SHERIFF OF LEON COUNTY OF SAID STATE, DEFENDANTS IN ERROR.

## Motion to Advance Case for a Hearing.

W. B. LAMAR,

ATTORNEY-GENERAL FOR THE STATE OF FLORIDA,
COUNSEL FOR DEFENDANTS IN ERROR.

# Supreme Court of the United States,

## October Term, 1900.

THE FLORIDA CENTRAL AND PENINSULAR RAILROAD COMPANY,
*Plaintiff in Error,*

*VS.*

WILLIAM H. REYNOLDS, AS COMPTROLLER OF THE STATE OF FLORIDA, AND JOHN A. PEARCE AS SHERIFF OF LEON COUNTY,
*Defendants in Error.*

**Number 463**

And now comes the Defendants in Error, herein by William B. Lamar, their counsel appearing in that behalf, and moves the Court to advance the above entitled case and set the same for a hearing at an early day during the present term of the Court, for the reasons following, to-wit:

FIRST—Because the purpose of said suit is to establish the exemption of the railroads of the plaintiff in error from taxation under the 18th Section of the Internal Improvement Act, Chapter 610, Laws of Florida; and to recover back the sum of $140,812.47, which was paid by the Florida Railway and Navigation Company, to the State of Florida, in 1885, for the taxes assessed on said Railroads for the years 1882, 1883 and 1884; and to enjoin the collection of the taxes assessed on said Railroads for the years 1879, 1880 and 1881 under the provisions of the Statutes of Florida, Chapters 3558 and 4073.

Furthermore this suit involves the liability of the said Railroads under the revenue laws of said State, and in the meantime stays the execution of said laws.

These railroads comprise upwards of three hundred and sixty-four miles of track, and also depots, machine shops, rolling stock and appurtenances valued at upward of ten million dollars and constitute a larger proportion of the taxable railroad property of said State.

SECOND—Because the taxes involved in this suit amount in the aggregate to $96,181.69, upon which no interest is chargable under the laws of the State of Florida for delay in the payment thereof. Besides this amount is composed of $37,318.69, assessed for general revenue for said State, and $5,971.09 assessed for the public school fund for said State, and $21,053.72, assessed for revenue for the Counties of Suwannee, Alachua, Baker, Bradford, Clay, Columbia, Gadsden, Jefferson, Levy, Leon, Madison, Nassau and Wakulla, of said State, and $15,068.76, assessed for the public schools for said several counties, and $16,769.43, assessed as a special tax for said several counties. See printed record, page 24. These taxes are necessary to defray current expenses of the State and counties aforesaid and maintain the public schools thereof; and the operations of the State and county governments and the maintenance of the public schools thereof are embarrassed by delay in the collection of them and the staying of the execution of the revenue laws aforesaid.

THIRD—Because the said case was advanced by the Supreme Court of the State of Florida.

W. B. LAMAR,
Attorney-General of Florida,
and Counsel for Defendants in Error.

*To T. L. Clarke, Frederick D. McKenney, Attorneys for Plaintiff in Error.*
*Wayne Mc Veagh, J. A. Henderson, of Counsel for Plaintiff in Error.*

You are hereby notified that the motion of which the foregoing is a true copy will be made before the Supreme Court of the United States on the 25th day of February, 1901, at the opening of said Court on that day, or as soon thereafter as counsel can be heard.

Annexed hereto is a copy of the authorities as well as copies of certificates, which will be submitted with the motion in support thereof.

W. B. LAMAR,
Attorney-General of the State of Florida
and Counsel for Defendants.

*Rev. Stat. Sec. 949.*
*Hoge vs. Richmond and Danville R. R. Co., 93 U. S. 1.*

---

STATE OF FLORIDA. }
LEON COUNTY. }

I, W. N. Sheats, do hereby certify that I am the Superintendent of Public Instruction for the State of Florida, am familiar with the public school system of said State and have supervision of the public schools thereof, and know the sources from which revenue is obtained to maintain said schools as well as the annual sums necessary to keep them in successful operation, and furthermore that the school taxes involved in the suit of the Florida Central and Peninsular Railroad Company against William H. Reynolds as Comptroller of the State of Florida and John A. Pearce as Sheriff of Leon County, now pending in the Supreme Court of the United States are necessary for the support of the

public schools, and the delay in the collection of it is embarrasing the operation and maintenance of said schools.

Given under my hand and official seal this 14th day of February, A. D. 1901.

[SEAL] WM. N. SHEATS,
Superintendent of Public Instruction of the State of Florida.

---

STATE OF FLORIDA, }
LEON COUNTY. }

I, William H. Reynolds, do hereby certify that I am Comptroller of the State of Florida and that the facts stated in the second reason assigned in the foregoing motion (as to the amount of taxes assessed) for advancing said case are true, that the State of Florida and various counties will be greatly benefitted by the collection of said taxes and that the counties of Leon, Jefferson, Madison, Baker, and Bradford have now outstanding and unpaid county bonds varying in each county in amount from about six thousand dollars to thirty-five thousand dollars issued in aid of construction of the railroad to which the said Florida Central and Peninsular Railroad Company is the successor and upon which bonds annual interest at six per cent is paid, and part of the amount involved in said sum of $96,181.69, will go to the payment of principal and interest on said bonds.

Given under my hand and official seal this 14th day of February, A. D. 1901.

[SEAL] WM. H. REYNOLDS,
Comptroller of the State of Florida.

**Supreme Court of Florida, January Term,**

**A. D. 1900.**

WILLIAM H. REYNOLDS, AS COMPTROLLER OF FLORIDA, AND JOHN A. PEARCE, AS SHERIFF OF LEON COUNTY, FLORIDA,
*Appellants,*

*VS.*

THE FLORIDA CENTRAL AND PENINSULAR RAILROAD COMPANY.
*Appellee.*

Now comes W. B. Lamar as Attorney-General, and moves the Court to advance the above cause for hearing and decision upon the ground that the State of Florida is directly interested therein, the same involving the collection of the State's revenue.

W. B. LAMAR,
Attorney-General, for the Motion.

Filed. March 6, 1900.

---

*Tallahassee, March 6, 1900.*
*Tuesday, 10 o'clock A. M.*

Court met pursuant to adjournment.

Present: HON. R. F. TAYLOR, Chief Justice,
HON. M. H. MABRY, } Justices.
HON. F. B. CARTER, }

WILLIAM H. REYNOLDS, COMPTROLLER, &c., *et al*,
*Appellants,*
*VS.*
F. C. & P. R. R. Co.,
*Appellee.*

This cause coming on to be heard upon motion of the Attorney-General to advance the same for hearing and decision, upon the ground that the State of Florida is directly interested therein, and the Court being advised of its judgment in the premises, it is ordered that the same be granted; and it is further ordered that the appellants shall file four copies of their brief in this Court on or before the 17th day of March, 1900, and that the appellee shall file four copies of its brief on or before the 24th day of March, 1900, and that the said cause shall be orally argued, if the parties so desire, on the 27th day of March, 1900, and that the Clerk of this Court shall at once notify all parties of this order.

---

I, B. B. Wilson, Clerk of the Supreme Court of the State of Florida, do hereby certify that the foregoing two pages contain true copies of a motion, and an order of the said Supreme Court, in the case of William H. Reynolds, Comptroller, &c., *et al.*, Appellants, *vs.* F. C. & P. R. R. Co., Appellee, as the same appear upon the records of my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said Supreme Court, at the city of Tallahassee, the Capital, this 14th day of February, A. D. 1901.

[SEAL] B. B. WILSON,
Clerk Supreme Court, State of Florida.